

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON BUSINESS AND LABOR

#### Call to Order:

Chairman Bill Wilson, on January 27, 2009 at 8:30 A.M., in Room 172 Capitol.

#### ROLL CALL

#### Members Present:

Rep. Bill Wilson, Chairman (D)  
Rep. Bill Beck, Vice Chairman (R)  
Rep. Michele Reinhart, Vice Chairwoman (D)  
Rep. Elsie Arntzen (R)  
Rep. Shannon Augare (D)  
Rep. Paul Beck (D)  
Rep. Tom Berry (R)  
Rep. Carlie Boland (D)  
Rep. John Fleming (D)  
Rep. Timothy Furey (D)  
Rep. Chuck Hunter (D)  
Rep. Harry Klock (R)  
Rep. Mike Milburn (R)  
Rep. Pat Noonan (D)  
Rep. Scott Reichner (R)  
Rep. Cary Smith (R)  
Rep. Gordon Vance (R)  
Rep. Jeffery Welborn (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Santella Baglivo, Committee Secretary  
Bart Campbell, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 283, 1/22/2009; HB 291,  
1/22/2009, HB 204; 1/23/2009

Executive Action: HB 195, HB 114, HB 148, HB 234

**HEARING ON HB 204**

**Opening Statement by Sponsor:**

00:01:10 Rep. Bob Ebinger (D), HD 62, opened the hearing on  
HB 204, Revise work comp law re independent contractor  
for 10-year period.

00:01:37 Rep. Furey enters.

**Proponents' Testimony:**

00:04:43 Chuck Defandorf, Independent Contractor, Livingston  
00:05:46 Keith Goodhart, Sheep Rancher, Big Timber  
00:06:47 Senator Esp, SD 31, Park and Sweetgrass County  
00:07:59 Rich Baerg, Contractor, Livingston

**Opponents' Testimony:**

00:09:22 Kevin Braun, Claim Attorney, Montana State Fund  
00:11:37 Jason Miller, International Brotherhood of Teamsters,  
Local 190  
00:14:58 Bob Worthington, Montana Self Insurers Association  
00:16:10 Robert Johnson, Montana AFL-CIO  
00:16:31 Reily Johnson, National Federation of Independent  
Business

**Informational Testimony:**

00:18:34 Jerry Keck, Administrator, Employee Relations Division,  
Department of Labor and Industry

**[EXHIBIT \(buh19a01\)](#)**

**Questions from Committee Members and Responses:**

00:29:09 Rep. Reinhart  
00:29:28 Mr. Keck  
00:33:28 Rep. B. Beck  
00:34:12 Mr. Keck  
00:34:16 Rep. B. Beck  
00:35:09 Mr. Keck

00:36:26 Rep. B. Beck  
00:36:45 Mr. Keck  
00:37:13 Rep. Arntzen  
00:37:42 Mr. Keck  
00:38:00 Rep. Arntzen  
00:38:18 Mr. Keck  
00:39:00 Rep. Arntzen  
00:39:13 Mr. Keck  
00:39:30 Rep. Hunter  
00:39:44 Mr. Keck  
00:39:53 Rep. Hunter  
00:40:08 Mr. Keck  
00:40:13 Rep. Hunter  
00:40:34 Mr. Keck  
00:41:11 Rep. Milburn  
00:41:32 Mr. Keck  
00:41:48 Rep. Reinhart  
00:42:13 Mr. Keck  
00:42:30 Rep. Reinhart  
00:42:40 Mr. Keck  
00:42:47 Rep. Reinhart  
00:43:02 Mr. Goodhart  
00:43:44 Rep. Reinhart  
00:43:50 Mr. Goodhart  
00:43:53 Rep. Reinhart  
00:44:03 Mr. Goodhart

**Closing by Sponsor:**

00:44:34 Rep. Ebinger

**HEARING ON HB 283**

**Opening Statement by Sponsor:**

00:47:48 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 283, Revise workers compensation act on exemptions, claims examiners, safety funding.

00:48:33 Rep. Augare enters.

**Proponents' Testimony:**

00:52:21 Bob Worthington, Co-Vice Chairman, Labor Management Advisory Council

**EXHIBIT (buh19a02)**

01:00:00 Jason Miller, Co-Vice Chairman, Labor Management Advisory Council

01:02:57 Don Judge, Montana Injured Workers Resource Council  
01:07:53 Jerry Keck, Administrator, Employee Relations Division,  
Department of Labor and Industry

**EXHIBIT (buh19a03)**

01:09:48 Nancy Butler, General Counsel, Montana State Fund

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:10:34 Rep. Reichner  
01:11:27 Mr. Keck  
01:12:51 Rep. Reichner  
01:13:17 Mr. Keck

**Closing by Sponsor:**

01:14:22 Rep. Himmelberger

01:15:16 Chairman Wilson calls a recess.  
01:33:09 Chairman Wilson resumes hearing.

**HEARING ON HB 291**

**Opening Statement by Sponsor:**

01:33:48 Rep. Jon Sonju (R), HD 7, opened the hearing on HB 291,  
Revise ins. law on glass & body repair to use average  
prevailing market price.

**Proponents' Testimony:**

01:35:23 Bruce Halcrow, President, Montana Collision Repair  
Specialists  
01:37:22 Todd Litton, Self, Billings  
01:38:27 Max Yates, Shop Owner, Butte, Montana, Montana  
Collision Repair Specialists  
01:39:15 Andrew Geiger, Montana Collision Repair Specialists

**Opponents' Testimony:**

01:39:50 Greg VanHorssen, State Farm Insurance Company  
01:49:12 Dwight Easton, Farmers Insurance Company

**EXHIBIT (buh19a04)**

01:51:00 Mona Jamison, Allstate Insurance Company

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:52:31 Rep. B. Beck  
01:53:18 Rep. Sonju  
01:54:27 Rep. B. Beck  
01:55:30 Rep. Sonju  
01:55:14 Rep. Vance  
01:55:37 Mr. Geiger  
01:56:05 Mr. Halcrow  
01:56:56 Rep. Vance  
01:56:57 Mr. Halcrow  
01:57:36 Rep. Reinhart  
01:57:49 Mr. Halcrow  
01:58:44 Rep. Furey  
01:59:05 Mr. Halcrow

**Closing by Sponsor:**

01:59:58 Rep. Sonju  
  
02:01:33 Chairman Wilson calls a recess.  
02:15:18 Chairman Wilson resumes hearing.

**EXECUTIVE ACTION ON HB 234**

02:16:06 **Motion:** Rep. Reinhart moved that **HB 234 DO PASS.**  
  
02:16:17 Mr. Campbell  
  
02:16:41 **Motion:** Rep. Reinhart moved that **234 BE AMENDED.**  
**EXHIBIT (buh19a05)**

**Discussion:**

02:17:19 Mr. Campbell  
02:17:48 Rep. Reinhart  
02:18:17 Rep. Klock  
02:18:44 Rep. Reinhart  
02:19:12 Mr. Campbell  
02:19:59 Rep. Reinhart  
02:20:30 Rep. Arntzen  
02:20:56 Mr. Campbell  
02:21:43 Rep. Arntzen  
02:22:09 Rep. Furey  
02:24:10 Rep. Milburn  
02:24:39 Shawna Helfert, Administrator, Liquor Control Division,  
Department of Revenue

02:25:12 **Vote:** Motion failed 6-12 by roll call vote with Rep. Augare, Rep. Beck, Rep. Furey, Rep. Hunter, Rep. Noonan, and Rep. Reinhart voting aye.

**Discussion:**

02:26:37 Rep. Reinhart

02:27:24 **Vote:** Motion failed unanimously.

02:28:38 **Motion/Vote:** Rep. Reinhart moved that **HB 234 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

02:28:51 Rep. Arntzen

**EXECUTIVE ACTION ON HB 114**

02:30:50 **Motion:** Rep. Beck moved that **HB 114 DO PASS.**

02:31:09 Mr. Campbell

02:31:20 **Motion:** Rep. Augare moved that **HB 114 BE AMENDED. [EXHIBIT \(buh19a06\)](#)**

**Discussion:**

02:31:32 Mr. Campbell

02:32:45 Rep. B. Beck

02:33:06 **Vote:** Motion carried unanimously by voice vote. Rep. Reinhart voted by proxy.

**Discussion:**

02:33:24 Rep. Beck

02:34:00 **Vote:** Motion carried unanimously by voice vote. Rep. Reinhart voted by proxy.

02:34:22 Rep. Arntzen

**EXECUTIVE ACTION ON HB 195**

02:36:10 **Motion:** Rep. Hunter moved that **HB 195 DO PASS.**

02:36:39 **Motion:** Rep. Augare moved that **HB 195 BE AMENDED. [EXHIBIT \(buh19a07\)](#)**

**Discussion:**

02:36:54 Mr. Campbell

02:37:31 Ms. Helfert

02:38:18 **Vote:** Motion carried unanimously by voice vote. Rep. Reinhart voted by proxy.

02:38:40 **Motion:** Rep. Augare moved that **HB 195 DO PASS AS AMENDED.**

**Discussion:**

02:38:54 Rep. Reichner

02:39:38 Ms. Helfert

02:40:15 **Vote:** Motion carried unanimously by voice vote. Rep. Reinhart voted by proxy.

**EXECUTIVE ACTION ON HB 148**

02:40:46 **Motion:** Rep. Beck moved that **HB 148 DO PASS.**

**Discussion:**

02:41:03 Rep. Augare

02:41:29 **Vote:** Motion failed 6-12 by roll call vote with Rep. Beck, Rep. Klock, Rep. Reichner, Rep. Smith, Rep. Vance, and Rep. Welborn voting aye. Rep. Reinhart voted by proxy.

02:42:53 **Motion/Vote:** Rep. Milburn moved that **HB 148 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Reinhart voted by proxy.

**Additional Documents**

**ADJOURNMENT**

02:43:15 Adjournment: 11:13 A.M.

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SANTELLA BAGLIVO, Secretary

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Additional Documents:

**EXHIBIT ([buh19aad.pdf](#))**